REMARKS/ARGUMENTS

Within the Office Action, claims 1-8 and 14-17 are rejected under 35 U.S.C. § 103(a). The Applicants respectfully request reconsideration in light of the arguments set forth below. Claim 14 has been amended. Accordingly, claims 1-8 and 14-17 are pending.

Rejections under 35 U.S.C. § 103

Within the Office Action, claims 1-6 and 17 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,601,098 to Case et al. in view of U.S. Patent No. 6,757,255 to Aoki et al. The Applicants respectfully traverse this rejection, in part because Case, relied on as disclosing certain elements of the present invention, does not disclose those elements. The Applicants argued this in a *Response to Office Action Mailed on May 04, 2005*, filed July 6, 2005 (the "July 6, 2005, Response") but the Examiner did not respond to these arguments.

Case

Case is directed to systems for and methods of measuring network latency between two computers. Case discloses (1) requesting from a server a first special Web page at a special uniform resource locator (URL), (2) receiving from the server a redirect response page with a redirection URL, (3) automatically requesting from the server a second special Web page at the redirection URL, and (4) receiving from the server the second special Web page. Referring to Figure 4 and its accompanying text, Case measures latency as the difference between a time T1, when the server receives the request for the first special Web page, and a time T2, when the server detects the request for the second special Web page.

Within the Office Action, it is stated that Case teaches each element of claims 1 and 17, except "measuring RRT on the transport protocol layer as a third layer . . . of the OSI reference model." It is stated that Aoki discloses this element and that it would be obvious to combine Aoki with Case to achieve the present invention.

Within the Office Action, the Examiner failed to answer the Applicants's argument that Case does not disclose structure recited in claims 1 and 17.

Within the last response, the Applicants argued that Case does not retrieve a Web object from the same page that was requested, as recited in claims 1 and 17 of the present invention. (*July 6, 2005, Response* at 7-8) In the Office Action, the Examiner merely repeated, almost word

for word, his characterization of Case and the rejection based on it included in the *July 6, 2005, Response*. The Examiner did not answer or even address the Applicants's argument that claims 1 and 17 recite structure not disclosed in Case.

The M.P.E.P. directs that "Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." (M.P.E.P. § 707.07(f) at 700-123 (Rev.3, August 2005)) Here, the Examiner should answer the Applicants's argument, and if he finds them persuasive, should allow the claims over Case and Aoki, either alone or in combination. The arguments made at pages 7-8 of the *July 6, 2005, Response* are substantially repeated in the following two sections for the Examiner's convenience:

Case does not retrieve a Web object from the same page that was requested.

Referring to Figure 4, Case discloses a sequence of steps for measuring latency: 400, 405, 410, 415, 400, 420, 430, 435, 440, 445, and 450. In this sequence, Case discloses requesting a Web page in the step 405, sending a Web page (different from the one requested) in the step 415, automatically requesting a redirected Web page (col. 8, lines 12-16), determining a round trip time in the step 440, and sending the actual (requested) Web page requested in the step 450. Web pages are thus sent to a client in the steps 415 and 450. The Web page sent in the step 460 is not part of the sequence in which the round trip time is computed and is not discussed here. As described in more detail below, the claims in the present invention recite requesting a Web page and receiving that Web page (the *requested* Web page), which contains a URL for a Web object. Case does not disclose these elements.

In the relevant portion of the process described in Case, in only two steps are Web pages downloaded. First, in the step 415, a Web page is sent to the client. This Web page contains a next request (or redirection) URL. **But this Web page was not requested by the user, so this is not the requested Web page.** Second, in the step 450, the requested Web page is sent to the user. **But this Web page does not contain a URL to a Web object that is requested.** After the step 450, the process ends.

Within the final Office Action, it is stated that in the sequence of steps 400, 415, 405, and 420, Case teaches requesting a URL, downloading a Web page, from the Web page retrieving a URL for a Web object, and resolving the URL to a server. As explained above, even if true, this sequence of steps is not the same as those recited in the claims of the present invention.

Claims 1-6

Claim 1 is directed to a method of measuring a performance of a route in an internetwork. The route couples an internetwork server to a terminal on the internetwork. The method comprises (1) at a frequently trafficked portal on the internetwork, detecting a request for a web page from the terminal, where **the** web page is at least partially stored at the frequently trafficked portal; (2) in response to the request for the web page, downloading the web page to the terminal via the internetwork; (3) from **the** web page, retrieving a Uniform Resource Locator (URL) for a web object referenced in the web page; (4) resolving the URL to the internetwork server; (5) detecting a request for the web object from the terminal at the internetwork server; (6) in response to the request for the web object, sending the web object from the internetwork server to the terminal; and (7) concurrent with sending the web object, measuring a Round Trip Time (RTT) from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the terminal.

As described above, Case does not disclose detecting a request for a Web page and, from the Web page requested, retrieving a URL for a web object referenced in the Web page, as recited in claim 1. Nor does Aoki disclose these steps. For at least these reasons, claim 1 is allowable over the teachings of Case and Aoki, either alone or in combination.

Claims 2-6 all depend on claim 1. As explained above, claim 1 is allowable over Case and Aoki, either alone or in combination. Accordingly, claims 2-6 are all also allowable as depending on an allowable base claim.

Claim 17

Like claim 1, claim 17 also recites detecting a request for a Web page and, from the Web page requested, retrieving a URL for a web object. Thus, claim 17 is allowable over Case, and thus the combination of Case and Aoki, for at least the same reasons that claim 1 is allowable.

Claims 7 and 8

Within the Office Action, claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Case in view of Aoki as applied to claim 1, in further view of U.S. Patent No. 6,748,426 to Shaffer et al. The Applicants respectfully traverse these rejections.

Case and Aoki are again relied on as disclosing all the elements of claim 1. Shaffer is relied on as disclosing a Web object that is visually imperceptible. Shaffer does not disclose detecting a request for a Web page and, from the Web page requested, retrieving a URL for a

web object referenced in the Web page, as recited in claim 1. Claim 1 is also allowable over Shaffer. As described above, claim 1 is allowable over Case in view of Aoki. Accordingly, claim 1 is allowable over Case, Aoki, and Shaffer, either alone or in combination. Furthermore, claims 7 and 8, which both depend on claim 1, are also allowable as depending on an allowable base claim.

Claims 14-16

Within the final Office Action, claims 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Case in view of Aoki and further in view of U.S. Patent No. 6,026,441 to Ronen. The Applicants respectfully traverse these rejections.

Claim 14 has been amended above to more clearly define the invention. Claim 14 is allowable for reasons similar to claims 1 and 17. Claim 14 recites, in part, "a web page for downloading upon request . . . [and] including a Uniform Resource Locator (URL) for a web object" and "a web browser . . . configured to send a download request for the web object to [an] internetwork server." As explained above, in regard to claims 1 and 17, neither Case nor Aoki discloses a Web page that is requested and that contains a URL for a Web object, which is then downloaded. Nor does Ronen disclose these steps. Case, instead, discloses a Web page that is not requested and that contains redirect information to the Web page that was requested. Accordingly, claim 14 is allowable over Case in view of Aoki and further in view of Ronen.
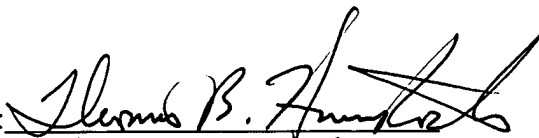
Claims 15 and 16 both depend on claim 14. As explained above, claim 14 is allowable over Case, in view of Aoki and further in view of Ronen. Accordingly, claims 15 and 16 are also both allowable as depending on an allowable base claim.

CONCLUSION

The Applicants respectfully submit that claims 1-8 and 14-17 are in condition for allowance, and allowance at an early date would be appreciated. If the Examiner has any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be quickly and efficiently resolved.

Respectfully submitted,

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